

RICCI TYRRELL JOHNSON & GREY, PLLC

By: James W. Johnson
8 Penn Center
1628 John F. Kennedy Blvd., Suite 2000
Philadelphia, PA 19103
(215) 320-3260
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

Dependable Distribution Services Inc.
1301 Union Avenue
Pennsauken, NJ 08110

Plaintiff

v.

CIVIL ACTION

M/V NIKOL H, and all her tackle,
engines, appurtenances, equipment and
furniture, whether aboard or ashore

In Rem ,

Defendant

VERIFIED COMPLAINT IN ADMIRALTY

Plaintiff, Dependable Distribution Services Inc. (hereafter "Dependable"), by and through the undersigned counsel, seeks arrest of the vessel, M/V NIKOL H pursuant to Supplemental Admiralty Rule C, and seeks recovery of damages it has sustained as follows:

1. The Court has jurisdiction over the subject matter of this claim under 28 U.S.C. § 1333.
2. The damages resulting from defendant's breach of contracts for wharfage and maritime services described herein are admiralty and maritime claims within the meaning of Rule 9(h), Federal Rules of Civil Procedure.
3. Dependable is a Pennsylvania Corporation, with a business address of 1301 Union Avenue, Pennsauken, NJ 08110.

4. The Defendant vessel, NIKOL H, is a seagoing vessel, (hereinafter, together with her engines, tackle, equipment, appurtenances, etc., whether aboard or ashore, "NIKOL H") is, which is now, or during the pendency of this action will be present within this district and the jurisdiction of this court.

5. On the 12th day of April 2014, the vessel NIKOL H came alongside and moored at Plaintiff's wharf, Pier 84, Philadelphia, PA where she has remained until this 23rd day of May, 2014.

6. The defendant has failed to pay the outstanding balance for wharfage, and other necessities provided to the NIKOL H. The plaintiff is currently owed the sum of \$285,810 for dockage necessities.

7. Defendants failure to pay for the dockage and other charges has damaged the plaintiff.

8. This entire debt, plus interest accruing, constitutes a lien upon the vessel, enforceable pursuant to the applicable federal Rules of Civil Procedure C and E.

9. Defendant has been damaged by the provision of necessities and other services to the NIKOL H without the agreed upon compensation.

WHEREFORE, plaintiff prays:

a. That a warrant for arrest of the NIKOL H may issue, and that all persons claiming any interest in said Vessel be cited to appear and answer the matter aforesaid;

b. That the outstanding amounts be declared a valid maritime lien presently in the amount of \$285,810 plus interest per day, costs, charges accruing until the outstanding amounts are paid, together with interest attorney's fees and costs; *and*, to the extent the vessel is located and arrested, all other amounts required to be disbursed by plaintiff for the care and preservation of the Vessel as well as the cost of any additional insurance on said Vessel, including custodial costs and all other advances, attorney's fees, cost and disbursements, incurred by plaintiff herein, such lien to be accorded the priority to which it is entitled under maritime law as to the interests, liens or claims of any and all persons, firms, corporations presently outstanding;

c. The NIKOL H, her engines, tackle, appurtenances and equipment, whether aboard or ashore, be condemned and sold at Marshal's sale and an Order that all proceeds

therefrom be paid to plaintiff to pay the obligation, demands and claims aforesaid with interest, costs, and fees;

d. That it be decreed that any and all persons, firms, corporations, etc., claiming any interest in the NIKOL H, are forever barred and foreclosed of and from all right or equity of redemption, or claim of, or in to the mortgaged Vessel, and every party thereof, whether aboard or ashore;

e. For such other and further relief as the Court deems just and proper in the premises.

RICCI TYRRELL JOHNSON & GREY, PLLC

By: _____



James W. Johnson
Attorneys for Plaintiff
Dependable Distribution Services, Inc.

Dated: May 23 2014


VERIFICATION

I, James W. Johnson, hereby certify as follows:

1. I am attorney for the Plaintiff in this action and am authorized to make this verification on its behalf.
2. I state under penalty of perjury that I have been in direct communication with the Plaintiff and have reviewed underlying documents associated with this transaction and because the Plaintiff's officers are not available to execute a Verification and I am satisfied is well acquainted with the facts of this matter and the Plaintiff herein.
3. I verify that the contents of the foregoing Complaint are true and correct to the best of my knowledge, information and belief.


James W. Johnson

Sworn and subscribed to before me
this 23rd day of May, 2014


Notary Public

